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Attorneys for Plaintiff TIBCO SOFTWARE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TIBCO SOFTWARE INC..

Plaintiff,

VS.

BANK OF AMERICA CORPORATION;
BANK OF AMERICA, NATIONAL
ASSOCIATION; MERRILL LYNCH,
PIERCE, FENNER & SMITH, INC.

Defendants.

CASE NO. 3:14-cv-02782-JD

**STIPULATION AND [PROPOSED]
ORDER REGARDING EXTENSION OF
OPPOSITION AND REPLY DATES FOR
DEFENDANTS' MOTION TO COMPEL
ARBITRATION AND/OR DISMISS; AND
TO CONTINUE THE INITIAL CASE
MANAGEMENT CONFERENCE**

Plaintiff TIBCO Software Inc. (“TIBCO”) and Defendants Bank of America Corporation, Bank of America, National Association, and Merrill Lynch, Pierce, Fenner & Smith, Inc. (collectively “Bank of America”) stipulate to (1) a 14-day extension for TIBCO to file its opposition to Bank of America’s Motion to Compel Arbitration and Dismiss and/or Stay, or, In the Alternative, to Dismiss (hereinafter “Motion”) (Docket No. 23); (2) a 7-day extension of Bank of America’s reply due date from the extended opposition date; and (3) continuing the September 17, 2014 Initial Case Management Conference (and associated meet and confer, ADR, initial disclosures, and filing deadlines) to October 1, 2014 at 9:30 a.m., immediately following the

1 hearing on the Motion, so as to conserve judicial time and resources and further the efficient
 2 administration of this case.

3 NOW, THEREFORE, IT IS HEREBY STIPULATED between the parties through their
 4 respective attorneys of record, and subject to Court approval, that the following dates shall apply:

<u>EVENT</u>	<u>CURRENT DATE</u>	<u>PROPOSED DATE</u>
TIBCO's Opposition to the Motion	August 20, 2014	September 3, 2014
Bank of America's Reply to TIBCO's Opposition	August 27, 2014	September 17, 2014
Last day to: <ul style="list-style-type: none"> • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan (FRCivP 26(f) & ADR L.R. 3-5) • file ADR Certification signed by Parties and Counsel (Civil L.R. 16-8 (b) & ADR L.R. 3-5(b)) • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference (Civil L.R. 16-8 (c) & ADR L.R. 3-5(b) & (c)) 	August 27, 2014	September 10, 2014
Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement (FRCivP 26(a) & Civil L.R. 16-9)	September 10, 2014	September 24, 2014
Hearing on the Motion	October 1, 2014 at 9:30 a.m.	No change
Initial Case Management Conference	September 17, 2014 at 1:30 p.m.	October 1, 2014 at 9:30 a.m. following the hearing on the Motion

1 DATED: August 12, 2014

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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By /s/Claude M. Stern

Claude M. Stern

Attorneys for Plaintiff TIBCO SOFTWARE INC.

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ATTESTATION

I, Claude M. Stern, am the ECF user whose ID and password are being used to file this
Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Kelly M. Klaus has
concurred in this filing.

5 | Dated: August 12, 2014

/s/ Claude M. Stern
